NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE MARYLAND 20755-6000

4 March 2013

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that intelligence activities of the National Security Agency during the quarter ending 31 December 2012 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.6(c) of Executive Order 12333, as amended.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by inspections, surveys, training, review of directives and guidelines, and advice and counsel.

George Ellard

GEORGE ELLARD
Inspector General

RAJESH DE
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEITH B. ALEXANDER
General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report

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Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

I. (U) Intelligence, Counterintelligence, and Intelligence-Related Activities that Violated Law, Regulation, or Policy and Were Substantiated during the Quarter, as well as Actions Taken as a Result of the Violations

I.A. (U) Intelligence Activities Conducted under Executive Order (E.O.) 12333 Authority

(U//~~FOUO~~) Some incidents may involve more than one authority (e.g., E.O. 12333, NSA/CSS Title I Foreign Intelligence Surveillance Act (FISA), FISA Amendments Act (FAA). Incidents involving more than one authority are included in the section for each involved authority. Thus, a single incident may produce multiple entries in this report.

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

I.A.1 (U) Unintentional Targeting or Database Queries against United States Persons (USPs) or Foreign Persons in the United States

~~(S//SI//REL TO USA, FVEY)~~ During the fourth quarter of calendar year 2012 (CY2012), the National Security Agency/Central Security Service (NSA/CSS) continued [redacted]. As part of that process, duplicate selectors were removed and the number of active selectors was reduced. At the end of the fourth quarter of CY2012, NSA/CSS's primary tasking tools for telephone and Internet selectors contained approximately [redacted] active selectors.

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(U//~~FOUO~~) During the fourth quarter of CY2012, in [redacted] instances, signals intelligence (SIGINT) analysts inadvertently targeted communications to, from, or about USPs, while pursuing foreign intelligence tasking or performed mistaken queries that potentially sought or returned information about USPs. Unless otherwise specified, all intercepts, query results, and reports have been deleted or destroyed as required by United States SIGINT Directive SP0018.

I.A.1.a. (U) Tasking Errors

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered that selectors associated with a USP had erroneously been tasked because the analyst had overlooked information about the target's USP status. All selectors associated with the target were detasked, and all collected data was purged.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered that a selector for a foreign intelligence target that had been detasked was subsequently retasked while the target was in the United States. The analyst detasked the selector [redacted]

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(b)(3)-P.L. 86-36

~~(S//SI//REL TO USA, FVEY)~~ [redacted] analysts discovered that selectors associated with foreign intelligence targets that had been previously detasked because [redacted] were retasked while the targets were in the United States. All selectors were detasked and no collection occurred.

~~(TS//SI//NF)~~ [redacted] an analyst discovered that [redacted] selectors associated with a USP had been erroneously tasked because information about the target's USP status was

Derived From: NSA/CSSM 1-52, dated 20080107

[redacted]

Declassify On: 20380304

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(b)(3)-50 USC 3024(i)

not provided by an Intelligence Community (IC) customer when the selector was being researched for tasking. The selector was detasked, and all data was deleted

~~(TS//SI//TK//REL TO USA, FVEY)~~ were erroneously targeted and collection occurred for 39 minutes because a before executing the collection task. All collected data was purged.

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~~(TS//SI//REL TO USA, FVEY)~~ an analyst mistakenly requested tasking of his own personal identifier instead of the selector associated with a foreign intelligence target. The selector was detasked

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

I.A.1.a.i. (U) **Unauthorized Targeting**

~~(TS//SI//NF)~~ an analyst discovered that a telephone selector associated with a USP, formerly approved for targeting under a was tasked The selector was detasked A destruction waiver has been requested, and a request for FAA §704 authorization has been submitted for future targeting.

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~~(TS//SI//NF)~~ an analyst discovered that data had been collected on the selector for a foreign intelligence target when the target was in the United States.

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(b)(3)-50 USC 3024(i)

I.A.1.b. (U) **Database Queries**

~~(S//SI//REL TO USA, FVEY)~~

(U//~~FOUO~~) On occasions during the fourth quarter, analysts performed overly broad or poorly constructed database queries that potentially selected or returned information about USPs. These queries used that produced imprecise results. On of those occasions, the queries returned results, which were deleted or aged off, as required, and no reports were issued. Analysts who performed these queries were counseled by their management.

(U) Procedural and other errors contributed to the following incidents:

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- ~~(S//SI//REL TO USA, FVEY)~~ On occasions during the fourth quarter, NSA analysts performed queries in raw traffic databases without first conducting the necessary research

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on the selectors. When the queries returned results, they were deleted and no reports were issued.

- ~~(TS//SI//REL TO USA, FVEY)~~ While performing a query on a selector for a foreign intelligence target [redacted] NSA had detasked the selector because the target was in the United States. The query results were deleted [redacted]
  (b)(1)
  (b)(3)-P.L. 86-36
- ~~(S//SI//REL TO USA, FVEY)~~ [redacted] an analyst performed a query in a raw traffic database [redacted] No results were returned.
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  (b)(3)-P.L. 86-36
  (b)(3)-50 USC 3024(i)
- ~~(S//REL TO USA, FVEY)~~ [redacted]
- ~~(S//SI//REL TO USA, FVEY)~~ [redacted] a database auditor discovered that an analyst had mistakenly performed [redacted] queries in a raw traffic database on the selectors for a foreign intelligence target in the United States. The analyst deleted the results.
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  (b)(3)-P.L. 86-36
- ~~(S//SI//REL TO USA, FVEY)~~ [redacted] an analyst performed a query in a raw traffic database on a selector that had been determined [redacted] to be associated with a USP. The analyst deleted the query and results [redacted]
- ~~(S//SI//REL TO USA, FVEY)~~ [redacted] in a raw traffic database on selectors associated with a target when it was known that [redacted] the United States [redacted]
- ~~(S//SI//REL TO USA, FVEY)~~ [redacted] an analyst performed a query using a selector associated with a USP [redacted] The analyst then sent the results of the query to another analyst. Subsequently, the analyst learned that the selector was registered to a USP. The analyst recalled the e-mail and deleted all query results.
- ~~(TS//SI//NF)~~ [redacted] analysts selected an incorrect database when performing queries on selectors associated with foreign intelligence targets. No results were returned.
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- ~~(TS//SI//NF)~~ [redacted] a database auditor discovered that an analyst had mistakenly performed a query on a target authorized under FAA §705(b) [redacted] a raw traffic database during the time the target was in the United States. The query and results were deleted [redacted]
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  (b)(3)-50 USC 3024(i)

- ~~(S//SI//REL TO USA, FVEY)~~ an analyst discovered that a query was performed on a selector associated with a foreign intelligence target while the target was in the United States.
- ~~(TS//SI//REL TO USA, FVEY)~~ in a raw traffic database on one of the selectors for a foreign intelligence target who arrived in the United States. The analyst was because of database access problems. The results were deleted.
- ~~(S//SI//REL TO USA, FVEY)~~ an analyst performed a query in the incorrect raw SIGINT database. The query and the results were deleted immediately.
- ~~(S//SI//REL TO USA, FVEY)~~ an analyst unfamiliar with a query tool performed a query in a raw traffic database. No results were returned.
- ~~(TS//SI//REL TO USA, FVEY)~~ On three occasions analysts discovered the selectors associated with foreign intelligence targets were detasked because the United States. results were deleted.
- ~~(S//SI//REL TO USA, FVEY)~~ an analyst performed a query in a raw traffic database on a list of selectors that included one associated with a USP. Upon discovery of the error, the analyst stopped the query and removed the selector.
- ~~(S//SI//REL TO USA, FVEY)~~ an analyst included a U.S. e-mail address instead of the intended target's e-mail address in a query running in a raw traffic database. No results were returned.
- ~~(S//SI//REL TO USA, FVEY)~~ an analyst performed a query in a raw traffic database. The analyst deleted the results without viewing them.
- ~~(TS//SI//NF)~~ an analyst performed a query in a raw traffic database on a selector associated with a USP. A destruction waiver was approved.
- ~~(S//SI//REL TO USA, FVEY)~~ an analyst ran a query in a raw traffic database on the selectors associated with a foreign intelligence target while the target was in the United States. The analyst deleted the query and results.
- ~~(S//SI//REL TO USA, FVEY)~~ an analyst performed a query in a raw traffic database on the incorrect selector because into the query form. The query was canceled before execution, and no results were returned.

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(b)(3)-50 USC 3024(i)

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

I.A.1.c. (U) **Detasking Delays**

~~(S//SI//REL TO USA, FVEY)~~ A selector associated with a foreign intelligence target [redacted] The delay occurred because [redacted] No collection occurred.

~~(S//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that selectors for [redacted] foreign intelligence targets had been overlooked for detasking and remained on task. Upon discovery, the selectors were detasked.

~~(S//SI//REL TO USA, FVEY)~~ [redacted] during a selector review, an analyst noticed that a selector for a foreign intelligence target that had been detasked [redacted] The selector was detasked.

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~~(S//SI//REL TO USA, FVEY)~~ [redacted] when retasking a selector for a foreign intelligence target, an analyst discovered that the selector had remained on task while the target was in the United States. No collection occurred during the time the target was in the United States.

~~(S//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that selectors for a foreign intelligence target had remained on task despite information [redacted] the United States. All selectors were detasked [redacted]

~~(S//SI//REL TO USA, FVEY)~~ [redacted] an analyst learned that a selector for a foreign intelligence target had been overlooked when [redacted] The selector was detasked [redacted]

~~(TS//SI//REL TO USA, FVEY)~~ Selectors for a foreign intelligence target remained on task [redacted] after NSA analysts had detasked the selectors because the target had entered the United States [redacted] No reports were issued.

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~~(S//SI//REL TO USA, FVEY)~~ [redacted] analysts learned that selectors for a foreign intelligence target [redacted] the United States [redacted] had remained on task despite the submission of a detask request [redacted] The selectors were detasked [redacted] and data was purged.

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~~(S//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered that selectors remained on task for a foreign intelligence target [redacted] the United States [redacted] The selectors were detasked [redacted]

~~(TS//SI//REL TO USA, FVEY)~~ it was discovered that selectors for a foreign intelligence target had been overlooked when other selectors tasked under FAA §702 authority were detasked because of the target's U.S. travel. All selectors were detasked, and non-compliant FAA §702 data has been marked for purging. It was also discovered that the selectors in a raw traffic database and the selectors were removed

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~~(S//SI//REL TO USA, FVEY)~~ delays in detasking the selectors for a foreign intelligence target who had entered the United States The selectors were detasked and no data was collected.

~~(S//SI//REL TO USA, FVEY)~~ an analyst learned that a selector for a foreign intelligence target had remained on task even though information was known on about the target's U.S. travel. The selector was detasked No collection occurred.

~~(S//SI//REL TO USA, FVEY)~~ selectors for foreign intelligence targets were discovered to have remained on task, even though related selectors had been detasked because the targets were in the United States. Upon discovery, the selectors were detasked.

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~~(S//SI//REL TO USA, FVEY)~~ an analyst discovered that valid foreign intelligence targets had traveled to the United States from Although information was available in the forwarding of the information. Upon discovery of the information the analyst initiated the detasking. Collection was deleted, and no reporting occurred.

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

I.A.2 (U)

~~(S//SI//REL TO USA, FVEY)~~

I.A.3 (U) **Unauthorized Access**

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~~(S//SI//REL TO USA, FVEY)~~ it was discovered at NSA/CSS Colorado (NSAC) that approximately personnel, not all of whom had the proper authority or training, had had access to the

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[redacted] NSAC has begun an in-depth review of all raw SIGINT data sources to ensure that raw SIGINT is being handled properly.

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(U//~~FOUO~~) [redacted] it was discovered that raw SIGINT data was stored on a server not authorized to hold it. The data was deleted and moved to an authorized location. A listing of authorized servers has been compiled to prevent future errors.

I.A.4 (U) Data-Handling Error

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst forwarded an e-mail to unauthorized recipients that included the identities of USPs. The e-mail was immediately recalled.

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~~(S//SI//NF)~~ [redacted] an analyst forwarded in an e-mail to unauthorized recipients the results of a raw traffic database query that included terms associated with a USP. The e-mail was recalled the same day.

~~(C//SI//NF)~~ [redacted] NSA issued a memorandum that erroneously contained a USP identity. The memorandum was immediately recalled.

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~~(TS//SI//NF)~~ [redacted] USP information was inadvertently released as part [redacted] were not vetted for possible USP data. The recipient has submitted a request for evaluated minimized traffic.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] USP information was released to unauthorized recipients in a chat room. The information was recalled, and the recipients were instructed to destroy all copies.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an NSA analyst provided a file containing raw SIGINT to an IC analyst who was not authorized to receive it. Upon discovery of his mistake [redacted] the NSA analyst instructed the IC analyst to delete the file.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered that the identity of a U.S. entity had not been masked in traffic passed [redacted] The traffic was canceled, properly minimized, and reissued [redacted] purged the traffic containing the unmasked U.S. identity. To prevent a recurrence, [redacted]

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I.A.5 (U) Systems Error

~~(TS//SI//NF)~~ [redacted] it was discovered that a system [redacted] without sufficient

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(b)(3)-50 USC 3024(i)

documentation regarding the system's procedures for data ingest, age-off, or purge. Information gathered [redacted] indicated that the data retained in the system included [redacted] Efforts to identify the scope of the problem, as well as solutions, are ongoing.

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I.B. (U) Foreign Intelligence Surveillance Act (FISA)

(U//~~FOUO~~) Some incidents may involve more than one authority (e.g., E.O. 12333, NSA/CSS Title I FISA, FAA). Incidents involving more than one authority are included in the section for each involved authority. Thus, a single incident may produce multiple entries in this report.

(U//~~FOUO~~) Incidents of non-compliance with any authority or approval granted by the Foreign Intelligence Surveillance Court (FISC) are reported to the FISC, the Department of Justice, and the Office of the Director of National Intelligence.

I.B.1. (U) NSA/CSS Title I FISA

I.B.1.a. (U) Detasking Delays

~~(TS//SI//NF)~~ [redacted] analysts discovered that selectors for foreign intelligence targets had not been detasked [redacted] All selectors have been detasked, and non-compliant data has been marked for purging.

~~(TS//SI//NF)~~ [redacted] an analyst discovered that a selector associated with a previously FISC-approved target [redacted] had been mistakenly included on a renewal of the Court Order [redacted]

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I.B.1.b. (U) Unauthorized Targeting

~~(TS//SI//NF)~~ [redacted] an analyst discovered that communications collected pursuant to FISA authority did not belong to the FISC-approved target. The selector used to target the communications was detasked and non-compliant data was marked for purging.

~~(TS//SI//NF)~~ [redacted]

Data collected from the selector has been requested to be purged.

~~(TS//SI//NF)~~ [redacted] an analyst learned that [redacted] had been using the telephone number for a [redacted] The telephone selector was detasked, and non-compliant data was marked for purging.

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

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(b)(3)-18 USC 798

~~(TS//SI//NF)~~ an analyst discovered that a tasked telephone selector was associated with a U.S. entity. The data was purged

~~(TS//SI//NF)~~ an analyst discovered that collection occurring on a cellular telephone selector associated with a FISC-approved target The selector was detasked

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~~(TS//SI//NF)~~ it was discovered that a cellular telephone number authorized for collection under a FISC Order The selector was detasked and non-compliant data was requested to be purged

I.B.1.c. (U) Database Queries

~~(TS//SI//NF)~~ an analyst performed a query in a raw traffic database on the selectors associated with a target after it had been determined that the target was no longer considered to be an agent of a foreign power. Non-compliant data was marked for purging.

I.B.1.d. (U) Data-Handling Errors

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~~(TS//SI//NF)~~ while investigating an incident of improper handling of NSA discovered that analysts in various organizations were not handling Title I FISA data properly. NSA provided remedial training to analysts who access Title I FISA data.

~~(S//SI//REL TO USA, FVEY)~~ an analyst discovered that reported to the compliance organization The work to determine the scope of the problem and the steps to mitigate the incidents is ongoing.

I.B.2. ~~(S//REL TO USA, FVEY)~~

(U) Nothing to report.

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(b)(3)-50 USC 3024(i)

I.B.3. ~~(TS//SI//NF)~~ Business Records (BR) Order

I.B.3.a. (U) Data-Handling Error

~~(TS//SI//NF)~~ it was discovered that metadata obtained under the FISA BR Court Order had been released in an e-mail counterparts without required approval. The personnel involved were counseled on the proper dissemination procedures. Ultimately, the required approval was obtained, and, therefore, the e-mail was not recalled.

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I.B.4. (U) FISA Amendments Act (FAA)

(U//~~FOUO~~) Some incidents may involve more than one authority (e.g. E.O. 12333, NSA/CSS Title I FISA, FAA). Incidents involving more than one authority are included in the section for each involved authority. Thus, a single incident may produce multiple entries in this report.

I.B.4.a. (U) FAA Section 702

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(U//~~FOUO~~) NSA/CSS has implemented a process to ensure that FAA §702 data required to be purged is purged from NSA/CSS databases. NSA created a [redacted] to identify non-compliant data that should be purged

I.B.4.a.i. (U) Tasking Errors

~~(TS//SI//REL TO USA, FVEY)~~ On [redacted] occasions during the fourth quarter, selectors were incorrectly tasked because of typographical errors. The selectors were detasked, and the information has been purged. No reports were issued

~~(TS//SI//REL TO USA, FVEY)~~ On [redacted] occasions, it was discovered that a selector had been tasked in error because the target did not meet the criteria of an FAA §702 certification. The selectors have been detasked, and the non-compliant data has been purged. No reports were issued

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that a selector had been erroneously tasked because information received [redacted] about the target's USP status had not been passed to the analyst before the selector was approved for tasking. In addition, the selector had remained on task [redacted] because of confusion about which analyst would submit the detask request. All non-compliant data has been marked for purging, and no reports were issued.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered that a selector tasked under the FAA §702 [redacted] certification should have been tasked under the [redacted] certification. The selector was detasked [redacted] and all non-compliant data was marked for purging

(b)(1)
(b)(3)-P.L. 86-36 ~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that a selector was erroneously tasked [redacted] Upon discovery, the selector was immediately detasked. The non-compliant data was marked for purging

~~(TS//SI//NF)~~ [redacted] it was discovered that a selector had been retasked in error because an analyst had not followed proper tasking procedures. The selector had been detasked [redacted] The selector was detasked [redacted] Non-compliant data has been marked for purging

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that a selector associated with a valid foreign intelligence target had been erroneously tasked because of a typographical error Believed to be associated with a USP, the incorrect selector had been detasked, and non-compliant data has been marked for purging.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst learned that a selector had been erroneously tasked because an IC agency analyst had passed an incorrect selector The selector was detasked [redacted] and non-compliant data has been marked for purging.

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~~(TS//SI//NF)~~ [redacted] an analyst discovered [redacted] that a valid foreign intelligence target had been in communications with another person, while both were located in the United States All non-compliant data associated with the domestic communication was purged, and no reports were issued

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(b)(3)-50 USC 3024(i,

~~(TS//SI//REL TO USA, FVEY)~~ On [redacted] occasions, an analyst tasked a selector believed to be associated with a valid foreign intelligence target, but after tasking, the analyst received proof that the target was either a USP or not the intended target In each situation, the selector was detasked and the non-compliant data was purged

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I.B.4.a.ii. (U) **Unauthorized Targeting**

~~(TS//SI//REL TO USA, FVEY)~~ On [redacted] occasions during the fourth quarter, collection occurred on e-mail accounts [redacted] the United States [redacted] (Also included are occasions when [redacted] the United States could not be confirmed)

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(b)(3)-P.L. 86-36

I.B.4.a.iii. (U) **Database Queries**

~~(TS//SI//REL TO USA, FVEY)~~ On [redacted] occasions during the fourth quarter, analysts performed in FAA §702 data overly broad or poorly constructed database queries that potentially selected or returned information about USPs. These queries used [redacted] that produced imprecise results

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst performed a query in an FAA §702 raw traffic database using selectors associated with a USP target approved under FAA §705(b) authority The queries were not performed in accordance with NSA internal procedures. The query and the results were deleted.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst learned that a selector associated with a valid foreign intelligence target had remained tasked [redacted] while the target was in the United States from [redacted] by a second analyst, upon learning of the target's visit At that time, however, the second analyst was not aware [redacted]

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The first analyst immediately detasked the selector [redacted] and deleted the query and the results the following day. Both analysts were counseled on the proper procedures for ensuring that all selectors associated with a target are detasked

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an auditor discovered that an analyst had performed a query in an [redacted] of a raw traffic database on a selector known to be a USP. Upon being told of the mistake, the analyst immediately deleted the query and the results.

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~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst mistakenly queried on a selector associated with a USP as a result of not being familiar with the new functionality provided by the query form The analyst realized her mistake immediately and deleted the query and the results

~~(TS//SI//NF)~~ [redacted] analysts performed queries on selectors associated with a USP in a raw traffic database without conducting the necessary research on the selectors The queries and the results were deleted

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that [redacted] selectors associated with [redacted] valid foreign intelligence targets had [redacted] while the target was in the United States [redacted] the analyst had detasked the selector [redacted] All results have been deleted.

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~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an auditor discovered that, on [redacted] query in an FAA §702 raw traffic database using [redacted] selectors associated with a known USP [redacted] the query and the results were deleted No reports were issued.

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~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered [redacted] selectors associated with an individual who was not the intended target and who had traveled to the United States. A [redacted] selector that was correctly associated with the intended target was queried when the target was in the United States.

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

I.B 4.a.iv (U) Detasking Delays

~~(TS//SI//NF)~~ [redacted] it was discovered that [redacted] potentially causing a delay in detasking of up to 24 hours on some requests. [redacted] detask selectors immediately upon request.

~~(TS//SI//NF)~~ [redacted] it was discovered that [redacted] Upon discovery of the error, the selectors were immediately detasked and the non-compliant data was marked for purging.

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(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that selectors associated with valid foreign intelligence targets had remained on task while the targets

were in the United States [redacted] the targets were in the United States. The selectors were detasked and all non-compliant data were marked for purging.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that [redacted] the foreign intelligence target selector had remained on task while the target was in the United States. The selector was detasked [redacted] Non-compliant data has been marked for purging.

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(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that [redacted] selectors associated with a foreign intelligence target had remained on task while the target was in the United States from [redacted] The delay occurred because a junior analyst was unaware of the detasking procedures. The selectors were not detasked because the target returned to a foreign location [redacted] All non-compliant data from [redacted] has been marked for purging.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that [redacted] selectors associated with valid foreign intelligence targets had remained on task when the targets arrived in the United States. On each occasion, the analyst [redacted] The selectors were detasked, and all non-compliant data was purged. No reports were issued.

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(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that selectors associated with [redacted] valid foreign intelligence targets had remained on task when the targets were in the United States [redacted] The selectors were detasked upon discovery of the incidents, and all non-compliant data was purged. No reports were issued.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that a selector associated with a valid foreign intelligence target had remained on task while the target was in the United States [redacted] All non-compliant data was purged.

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(b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered that a selector associated with a valid foreign intelligence target had remained on task when the target arrived in the United States [redacted] The analyst believed that he had detasked the selector at that time, but it actually had remained on task [redacted] All non-compliant data was purged, and no reports were issued.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that a selector associated with a valid foreign intelligence target had remained on task while the target was in the United States from [redacted] The selector remained tasked because the target had returned to a foreign location. The non-compliant data was purged.

~~(TS//SI//REL TO USA, FVEY)~~ an analyst discovered that a selector associated with a valid foreign intelligence target had remained on task when the target visited the United States from When the analyst was originally notified that his target was in the United States the analyst initiated a detasking, but the detasking was not executed. When the analyst was notified a second time that the target was located in the United States, the selector was immediately detasked All non-compliant data was purged (b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ NSA analysts discovered that a selector had remained on task because of a software error The system error was corrected Non-compliant data has been marked for purging

~~(TS//SI//REL TO USA, FVEY)~~ it was discovered that selectors associated with valid foreign intelligence targets had remained on task while the target was in the United States The selectors were detasked and the non-compliant data was purged

~~(TS//SI//NF)~~ an analyst discovered that selectors associated with a valid foreign intelligence target had remained on task while the target was visiting the United States from The analyst was aware on that the target was in the United States and believed that the selectors had been detasked that day. the analyst realized that the selectors had not been detasked but did not request the selectors to be detasked at that time because the target had returned to a foreign location All non-compliant data was purged, and no reports were issued (b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ an analyst discovered that collection had occurred on selectors associated with a valid foreign intelligence target visiting the United States. The collection occurred because the the selectors were detasked and the non-compliant data was purged No reports were issued (b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ an analyst discovered that selectors associated with a valid foreign intelligence target had remained on task when the target was in the United States resulting in collection of the target while in the United States The selectors were detasked and the non-compliant data was purged (b)(1) (b)(3)-P.L. 86-36

~~(TS//SI//REL TO USA, FVEY)~~ it was discovered that a selector associated with valid foreign intelligence target had remained on task while the target was in the United States The selectors were not detasked because the target had returned to a foreign location. All non-compliant data has been marked for purging

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that selectors associated with valid foreign intelligence targets had remained on task while the targets were in the United States [redacted] All the selectors were detasked, and the non-compliant data was marked for purging.

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(b)(3)-P.L. 86-36

I.B 4.a.v. (U) Data-Handling Errors

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst sent an e-mail, which included an attachment with FAA §702 data, to an IC analyst not authorized to receive it Upon discovery, the recipient deleted the e-mail without opening the attachment The analyst was counseled on proper data-handling procedures

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst sent an e-mail, which included an attachment with FAA §702 data, to three analysts not authorized to receive it Upon discovery, the recipients deleted the e-mail and the file to which the information was downloaded

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] it was discovered that analysts were storing FAA §702 data in directories without controlling access to the information The analysts were using outdated guidance and were unaware of the proper procedures for handling FAA §702 data. The analysts were informed of the proper procedures, and the data was placed in proper directories.

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered that software failed to place FAA §702 data in the proper file directory that would have provided access controls. Instead, the placement of the FAA §702 defaulted to a directory that could be accessed by unauthorized and untrained personnel, although highly unlikely. [redacted] changes to the software were made to ensure the proper placement of FAA §702 data

~~(S//REL TO USA, FVEY)~~ [redacted] it was discovered that, [redacted] an analyst had shared FAA §702 data with a second analyst not authorized to receive it Upon discovery, access to the data was discontinued until the second analyst received the proper training on handling FAA §702 data

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(b)(3) P.L. 86 36

I.B.4.a.vi. (U) Unauthorized Access

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] a supervisor discovered that a [redacted] analyst was accessing FAA §702 data from an unauthorized location The analyst was approved for FAA §702 data access but then transferred to another location on [redacted] at which time her access should have been terminated. Upon discovery of the incident, the analyst's access to FAA §702 was discontinued

~~(TS//SI//REL TO USA, FVEY)~~ [redacted] an analyst discovered that another analyst was accessing FAA §702 data from an unauthorized location The analyst was approved for FAA §702 data access [redacted] but then transferred to another location in

[redacted] at which time her access should have been terminated Upon discovery of the incident, the analyst's access to FAA §702 was discontinued.

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(b)(3)-50 USC 3024(i)

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(b)(3)-P.L. 86-36

I.B.4.a.vii (U) Systems Error

~~(TS//SI//NF)~~ [redacted]

~~(TS//SI//NF)~~ [redacted]

I.B.4.b. (U) FAA Section 704

(U) Section 704 of the FISA provides for the targeting of United States persons located outside the United States pursuant to a particularized court order.

I.B.4.b.i. (U) Detasking Delays

~~(TS//SI//NF)~~ [redacted] it was discovered that selectors for a FAA §704-approved target had remained on task [redacted] The selectors were detasked [redacted]

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(b)(3)-P.L. 86-36

I.B.4.c. (U) FAA Section 705(b)

(U) Section 705(b) of the FISA provides for the targeting of United States persons located outside the United States upon authorization by the Attorney General when court orders have been obtained authorizing a physical search or electronic surveillance

I.B.4.c.i. (U) Database Queries

~~(TS//SI//NF)~~ [redacted] a database auditor discovered that an analyst had performed [redacted] queries on an FAA §705-approved target [redacted]

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(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ [redacted]

~~(TS//SI//NF)~~ [redacted] an analyst was notified by [redacted] that a target tasked under FAA §705(b) authority had returned to the United States [redacted]

The selector was detasked [redacted] To prevent future detasking delays, NSA analysts reminded [redacted] of the necessity to [redacted] FAA §705(b) targets.

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(b)(3)-P.L. 86-36

I.C. (U) Consensual Collection

(U) Nothing to report.

I.D. (U) Dissemination of U.S. Identities

~~(TS//SI//NF)~~ The NSA/CSS enterprise issued [redacted] SIGINT product reports during the fourth quarter of CY2012. In [redacted] product reports, disseminations were found to be improper, and the reports were recalled as NSA/CSS and [redacted] analysts learned of USPs, U.S. organizations, or U.S. entities named without authorization. All data in the recalled reports was deleted as required, and the reports were not re-issued or were re-issued with proper minimization.

I.E. (U) Counterintelligence Activities

(U) Nothing to report.

I.F. (U) Detection and Prevention of Violations

~~(TS//SI//NF)~~ As previously reported, NSA has instituted a process to help identity when the users of properly tasked [redacted] the United States. NSA's telephony process identified [redacted] in the fourth quarter. Collected data was purged from NSA/CSS's raw traffic repositories. NSA's process for [redacted] in the fourth quarter. Collected data was purged from NSA/CSS's raw traffic repositories.

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I.G. (U) Other

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(U//~~FOUO~~) In [redacted] instances, database accesses were not terminated when analysts were deployed or reassigned to another site. Although not considered violations of E.O. 12333 or related directives, the accesses were terminated in accordance with NSA policy. In addition, there was [redacted] instance of unauthorized access to raw SIGINT and [redacted] instances of account sharing during the quarter.

II. (U) NSA/CSS Office of the Inspector General (OIG) Intelligence Oversight (IO) Inspections, Investigations, and Special Studies

(U//~~FOUO~~) During the fourth quarter of CY2012, the OIG reviewed various NSA/CSS intelligence activities to determine whether they had been conducted in accordance with statutes, E.O.s, AG-approved procedures, and Department of Defense and internal directives. The problems uncovered were routine and the reviews showed that operating elements understand the restrictions on NSA/CSS activities.

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(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

II.A. ~~(S//REL TO USA, FVEY)~~ [redacted]

~~(S//REL TO USA, FVEY)~~ During the field inspection of [redacted] an IO inspector reviewed IO program management, IO training provided to personnel assigned to the site, and procedures for ensuring that all site personnel received required IO training. The inspector's overall assessment was that the site had a rudimentary IO program that needed further documentation and development. The OIG recommended that the site document its IO processes and procedures and conduct informal IO training sessions for site personnel.

II.B. (U) Special Study of the Research Directorate's (RD) Compliance Program

(U//~~FOUO~~) The NSA OIG summarized the results of a review of the NSA RD's Compliance Program in a report published [redacted] The review, conducted [redacted] focused on the operation of the program by the Directorate's IO component. The review identified two areas of improvement for the IO compliance program: program documentation and enhanced controls to monitor IO training compliance for the RD workforce.

II.C. (U) Special Study: Assessment of Management Controls Over FAA §702

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(U//~~FOUO~~) The NSA OIG reported the results of a review of the management controls implemented to provide reasonable assurance of compliance with FAA §702. The report, published [redacted] identified one instance of non-compliance and included recommendations to improve the overall control environment in which FAA §702 authority is exercised. Information received after the report's issuance that had not been made available to the OIG during the initial review indicated that there had been no instance of non-compliance and that the control procedures are designed to comply with FAA §702.

II.D. (U) Advisory Report on [redacted] Compliance with NSA/CSS Authorities

(U//~~FOUO~~) [redacted] the NSA OIG conducted a review of [redacted] a technology demonstration that uses cloud computing. In an advisory report published [redacted] the OIG found that controls on data ingestion and on [redacted] participants required manual implementation to comply with NSA/CSS authorities, leaving [redacted] compliance measures vulnerable to human error. Furthermore, these controls were not sustainable outside the tightly controlled [redacted] environment.

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II.E. (U) Ongoing Studies

(U//~~FOUO~~) The following special studies were initiated during the quarter and will be summarized in subsequent quarterly reports:

- (U//~~FOUO~~) FAA §702 [redacted]
- (U) Special Study: Assessment of Management Controls Over FAA §702 – Revision
- (U) Special Study of [redacted] Auditing Control Framework for Signals Intelligence System Queries

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- (U) Special Study of the [redacted] System
- (U) Special Study of the Technology Directorate Mission Compliance Program
- (U) Special Study of the Information Assurance Directorate Office of Oversight and Compliance Mission Compliance Program

II.F. (U) Misuse of the U.S. SIGINT System

(U) Nothing to report

II.G. (U) Congressional and IO Board Notifications

~~(S//SI//NF)~~ [redacted] NSA notified the Congressional intelligence committees about a Title I FISA compliance incident involving the misapplication of certain provisions of NSA's minimization procedures. After learning of one instance in which domestic communications encountered in the course of authorized collection had not been handled as required, senior NSA managers initiated a full-scale review. Although the review is ongoing, they have learned that there was no indication of willful non-compliance of minimization procedures; personnel seem to have misapplied those procedures. Retraining sessions are ongoing.

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II.H. (U) Other Notifications

~~(TS//SI//NF)~~ The AG granted NSA/CSS approval for [redacted] intelligence-related collection activities associated with USP hostage and detainee cases.

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III. (U) Substantive Changes to the NSA/CSS IO Program

A. (U) [redacted]

(U//~~FOUO~~) As reported in the Second Quarter CY2011 report, NSA/CSS is developing a tool designed to automate the process of submitting mission compliance incident reports across the worldwide NSA/CSS enterprise. The [redacted] will become the Agency's central tool for reporting all potential mission compliance incidents and will provide such benefits as a streamlined management process, a central repository, and metrics data to support root cause identification and trend analysis. The [redacted] is expected to be implemented [redacted] With the implementation of the [redacted], NSA will be able to perform comprehensive trend analysis [redacted]

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IV. (U) Changes to NSA/CSS Published Directives or Policies Concerning Intelligence, Counterintelligence, or Intelligence-Related Activities and the Reason for the Changes

(U) Nothing to report.

V. (U) Procedures Governing the Activities of DoD Intelligence Components that Affect USP (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to IO Programs

(U) Nothing to report.

VI. (U) Crimes Reporting

(U) Nothing to Report

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

VII. (U) Other Matters

~~(S//NF)~~ The NSA OIG is continuing its investigation into an allegation reported in the Third Quarter CY2012 report that

~~(TS//SI//NF)~~

NSA verbally notified the Office of the Assistant to the Secretary of Defense for Intelligence Oversight of this issue.

(U) NSA/CSS has taken the following remedial actions:

- ~~(S//NF)~~ NSA/CSS has obtained approval from the Undersecretary of Defense for Intelligence

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(b)(3)-50 USC 3024(i)

- ~~(S//NF)~~ NSA/CSS is working with the

- ~~(S//NF)~~

(U//~~FOUO~~) NSA/CSS does not anticipate that this will have any effect on national security or international relations.